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April 27, 2016

VIA ELECTRONIC CASE FILING

Hon. Leda D. Wettre, U.S.M.J.
United States District Court
Martin Luther King Jr. Federal Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *NVE, Inc. v. Palmeroni, et al.*
Civil Action No. 2:06-CV-05455 (MCA)(LDW)

Dear Judge Wettre:

I write on behalf of Plaintiff, NVE, with respect to the conference call scheduled for Thursday, April 28th, 2016 at 2:00 p.m. and to inform Your Honor of the current status of this matter.

In regard to Mr. Basil's representation of Vincent and Angelina Rosarbo, NVE filed a letter with the Court on April 26, 2016 (See DE # 562) formally objecting to Mr. Basil's representation of the Rosarbo Defendants as it is a concurrent conflict of interest with his representation of the Sumicek and Householder Defendants. The interests of the Sumicek and Householder Defendants are entirely adverse to those of the Rosarbo Defendants, and thus, pursuant to ABA Model Rule of Professional Conduct 1.7, the concurrent representation is prohibited. We await the Court's response as to whether NVE will be permitted or required to file a formal motion to disqualify Mr. Basil from representing the Rosarbo Defendants.

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At this time, the only deposition remaining is that of Mr. Palmeroni. The scheduling of Mr. Palmeroni's deposition has been delayed due to Mr. Palmeroni's failure to turn over copies of recorded conversations that Mr. Palmeroni testified about at his February 1, 2016, deposition. At the February 1, 2016 deposition, Mr. Palmeroni testified that he had covertly recorded several conversations with Mr. Rosarbo. NVE has attempted to have these recordings produced and has sent letters to Mr. Vort requesting copies of the recordings on March 4, 2016, March 23, 2016, and again on April 26, 2016. When Mr. Vort initially purported to produce the requested recordings, NVE could not access the data on the CDs produced. The CDs were returned to Mr. Vort. Mr. Vort attempted to produce the recordings again on March 30, 2016. However, the CDs produced at that time contained only recordings of conversations that were previously produced by NVE to Mr. Palmeroni and were not the recordings Mr. Palmeroni testified about at his February 1, 2016, deposition. NVE is entitled to have these recordings sufficiently prior to the continuation of Mr. Palmeroni's deposition to permit meaningful questioning.

NVE intends to file for summary judgment on behalf of NVE against the defendants, both on its case and with regard to counterclaims, once expert discovery is completed.

Thank you for your consideration.

Respectfully submitted,

/s/ Aidan P. O'Connor

AIDAN P. O'CONNOR

cc. Robert Vort, Esq. (via ECF and email)
Robert Basil, Esq. (via ECF and email)